

DECLARATION OF EMERGENCY**Department of Environmental Quality
Office of Environmental Services****Postponement of Permit Deadline for Oil and Gas Construction Activities
(LAC 33:IX.2341) (WQ047E)**

In accordance with the emergency provisions of R.S. 49:953.B of the Administrative Procedure Act, which allow the Department of Environmental Quality to use emergency procedures to establish rules, and of R. S. 30:2011 and 2074, which allow the department to establish standards, guidelines, and criteria, to promulgate rules and regulations, and to issue compliance schedules, the secretary of the department hereby declares that an emergency action is necessary in order to implement the Environmental Protection Agency (EPA) rule to postpone until March 10, 2005, the permit authorization deadline for National Pollutant Discharge Elimination System (NPDES) storm water permits for oil and gas related construction activity that disturbs one to five acres of land.

This Emergency Rule will allow operators at construction sites related to oil and gas exploration, production, processing, or treatment operations, or transmission facilities that disturb equal to or greater than one acre and less than five acres of land to legally conduct those construction activities without being permitted until the regulations found at LAC 33:IX.2341 can be revised to incorporate the new March 10, 2005, federal permit authorization deadline for those construction activities. The Department of Environmental Quality, Office of Environmental Services (previously known as the Office of Water Resources) became the NPDES permit issuing authority for the State of Louisiana on August 27, 1996. An emergency rule is necessary in order to comply with federal regulations that require the Louisiana Pollutant Discharge Elimination System (LPDES) program to be consistent with the EPA NPDES program. Accordingly, the department adopts the following emergency rule.

This Emergency Rule is effective on March 10, 2003, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more information concerning WQ047E you may contact the Regulation Development Section at (225) 765-0399.

Adopted this 10th day of March, 2003.

L. Hall Bohlinger
Secretary

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality

Chapter 23. The LPDES Program

Subchapter B. Permit Application and Special LPDES Program Requirements

§2341. Storm Water Discharges

A. – E.7.c. ...

8. Any storm water discharge associated with small construction activity identified in Subparagraph B.15.a of this Section, other than discharges associated with small construction activity at oil and gas exploration, production, process, and treatment operations or transmission facilities, requires permit authorization by March 10, 2003, unless designated for coverage before then. Discharges associated with small construction activity at such oil and gas sites require permit authorization by March 10, 2005.

E.9 - G.4.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.B.(3) and B.(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:957 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2273 (October 2000), LR 26:2552 (November 2000), repromulgated LR 27:40 (January 2001), amended LR 28:467 (March 2002), LR 29: